

**REPORT PLANNING COMMISSION MEETING
May 26, 2005**

Project Name and Number: Haven Avenue (PLN2005-000291)

Applicant: City of Fremont

Proposal: To consider a General Plan Amendment to change the land use designation for eight parcels from Medium Density Residential (15-18 dwellings per acre) to Low Density Residential (5-7 dwellings per acre) and a corresponding rezoning from R-G-29 (Garden Apartment Residence) to R-1-6 (Single Family Residential).

Recommended Action: Recommend to City Council

Location: 41714 Fremont Boulevard and 3860, 3874, 3888, 3920, 3934 and 3962 Haven Avenue in the Irvington Planning Area

Assessor Parcels: 525-0611-033-00, 525-0611-034-00, 525-0611-035-00, 525-0611-036-00, 525-0611-037-00, 525-0611-038-00, 525-0611-039-00, 525-0611-040-00

Area: 1.55 acres

Owners: City of Fremont, Robert & Kim Ray, Rocky & Patricia Duran, Bernhard Taloma, Karl & Eleanor Lum, Derek Buckley, Harry & Martha Jone, and Joy Shepard

Agent of Applicant: None

Consultant(s): None

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061 (b) (3) because there is no possibility of an impact on the environment.

Existing General Plan: Medium Density Residential, 15-18 dwelling units per acre

Existing Zoning: R-G-29 (Garden Apartment Residence)

Existing Land Use: Seven detached single-family residential units and one vacant lot

Public Hearing Notice: A total of 151 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 13, 2005. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005.

In addition, a letter to each of the eight property owners was sent on April 1, 2005, informing them of the potential redesignation and rezoning of their property and asking them for input.

Executive Summary: The purpose of this request is to amend the General Plan to change the land use designation from Medium Density Residential (15-18 units/acre) to Low Density Residential (5-7 units/acre) and to change the zoning from R-G-29 (Garden Apartment Residence) to R-1-6 (Single Family Residential) on 8 eight parcels. Staff is proposing the redesignation and rezoning of these parcels to make them consistent with the actual developed density of the parcels. The current land use designation and zoning district requirements make it infeasible to develop these sites to their required midpoint density. The proposed low density designation and R-1-6 zoning, however, would permit the development of secondary units. The proposed land use and zoning designation would also be consistent with the land use designation and zoning district of the remaining single-family residences on Haven Avenue.

Staff is requesting that the Planning Commission recommend approval of the General Plan redesignation and rezoning to the City Council.

Background and Previous Actions: The single-family lots were created with the final map for Tract 916, which was approved in 1949, prior to Fremont's incorporation. In 1992, as a result of the prior General Plan Update, the subject properties were redesignated for medium density residential development, as they were proximate to an undeveloped adjacent site to the south, and there was a desire to accommodate higher densities near the future Irvington BART station. Since this time the adjacent site has developed with townhomes at the medium residential density, leaving eight smaller lots, seven of which are developed with single family homes. The vacant lot with frontage on Fremont Boulevard was acquired by the City of Fremont as part of the Fremont Boulevard street-widening project construction, which is almost complete. The adjacent single-family residential development on Haven Avenue has a land use designation of Low Density Residential (5-7 dwellings per acre) and zoning of R-1-6 (Single-Family Residential).

Based upon recent development proposals for one of these lots, it became apparent to staff that development of the lots with additional units (required to meet the midpoint density requirement of the Housing Element for the Medium Density Residential (15-18 units per acre) designation) is not readily feasible. Given the requirements of the R-G-29 District and dedications and improvements required for intensification of the site, development of multiple additional units on each lot is very difficult, if at all possible. Conversely, if redesignated to a low density residential designation and rezoned to the R-1-6 District, these sites could potentially accommodate one secondary dwelling unit on each site.

Project Description:

Staff is proposing a General Plan Amendment to change the land use designation of 8 parcels (each approximately 8,400 square feet in size) from Medium Density Residential (15-18 units/acre) to Low Density Residential (5-7 units/acre) and to change the zoning from R-G-29 (Garden Apartment Residence) to R-1-6 (Single Family Residential). The reason for this request is to make the land use density and zoning consistent with the actual developed density of the parcels, which in turn would provide opportunity for development of secondary units on each site. When faced with R-G-29 District requirements and midpoint density requirements of the medium density designation, development of additional units on each site is not feasible. In addition, there are significant dedications and/or improvements that would be required with intensification of each parcel that are constraints to development for these parcels. The following is a summary of these requirements:

Street Improvements: The site has primary frontage on Haven Avenue and one lot has frontage on Fremont Boulevard. Because of the City's street improvement project, no further right-of-way or street improvements are anticipated at this location on Fremont Boulevard.

Haven Avenue provides the primary vehicle access to these parcels. At the time the subdivision that created the lots was approved, the required subdivision improvements included the construction of Haven Avenue between Fremont Boulevard and Roberts Avenue. Haven Avenue was improved as a public street with a right-of-way width of fifty feet (50'), a pavement width of approximately thirty-one feet (31'), rolled curbs, no storm drains, and no sidewalks. The current right-of-way and street improvements do not meet current City standards, which for minor residential streets require a minimum right-of-way width of fifty-six feet (56') and pavement width of thirty-six feet (36'). Therefore the existing improvements are defined as pre-existing non-conforming per the City's Street Right-of-Way and Improvement Ordinance.

If any of these eight lots were to develop under the existing General Plan designation of medium density residential (15-18 units per acre; thus with 3 units for the average 8,400 s.f. lot), right-of-way dedication and street improvements would be required to facilitate the intensified use. To meet the City's standard for minor residential streets, to provide the clear width for emergency vehicles required by the Fire Code, and to continue providing on-street parking, Haven Avenue would require right-of-way dedication of three feet (3') and pavement widening of approximately two and a half feet (2.5') along the project frontage. In addition to pavement widening, the required street improvements would include installation of sidewalks, planting of street trees, installation of a storm drain system and relocating utilities that conflict with the widened street.

Due to the size of the existing lots on Haven Avenue, the requirement for street right-of-way and street widening creates difficulty for in-fill multi-family development of the individual lots. Also, because the remaining fourteen lots along Haven

Avenue between Fremont and Roberts are not currently designated for medium density residential, the street improvements would not be consistent and the sidewalks would not be continuous between Fremont Boulevard and Roberts Avenue.

Utilities: In addition to the pre-existing non-conforming street right-of-way and improvements, the utilities that provide service to the lots on Haven Avenue were designed and constructed to support single-family development. If the site were to develop under the existing General Plan density of medium density residential (15-18 units per acre), several of the existing utilities may require upgrades.

As mentioned above, the street improvements did not include installation of a storm drain system. Because this area of Irvington drains into Laguna Creek, which has been designated as a special flood hazard area, further development must not increase the flooding risk. Multi-family development would likely result in a reduction of pervious surface and an increase in storm water runoff. The increased runoff would have to be mitigated by on-site storm water detention and likely would require construction of a public storm drain in order to meet current flood control standards.

The existing water and sewer system in Haven may support multi-family development, however, there is no fire hydrant in this block of Haven Avenue. Multi-family development would likely require installation of at least one mid-block fire hydrant, in addition to potential water line upgrades to support water pressure needed for sprinkler systems.

PROJECT ANALYSIS:

General Plan Conformance: The following General Plan Goals, Objectives and Policies are applicable to the proposed redesignation:

Fundamental Goal F8:	<i>"A diversity of residential, recreational, cultural, employment and shopping opportunities"</i>
Fundamental Goal H3:	<i>"Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002".</i>
Housing Element Goal 1:	Conservation and Enhancement of Existing Residential Neighborhoods.
Housing Program Strategy Implementation 10:	<i>Low Density Residential Lands: Rezoning and Land Use Element Changes – As the step density system is eliminated, adopt corresponding land Use Element and zoning changes for low-density lands necessary to: Allow residential development at all points within the density range (e.g. 5-7 units per acres) and encourage at least the midpoint of the permitted density range (e.g. 6 units per acre).</i>
Irvington Redevelopment Plan Goals:	<i>Encourage residential rehabilitation throughout the project area and compatible residential development in appropriate locations.</i>

The proposed General Plan amendment and rezoning would preserve the existing single-family nature of this already built neighborhood, and prevent inappropriate in-fill development of lots to a much higher density which could impact privacy, light, and atmosphere of the existing homes. The proposal would allow property owners of the existing single family homes to develop second units on their parcels, which could enhance property values and provide more housing opportunities at a different economic level.

Zoning Regulations: The site is currently zoned R-G-29 (Garden Apartment Residence). Because of the size of the individual lots, at generally 8,400 s.f. each, it is not possible to meet R-G-29 District standards and right-of-way dedication and street improvements that would be required to facilitate the intensified use. Thus, it is not possible to meet the current midpoint range of 16.5 units per acre. The project, if approved, would utilize R-1-6 zoning standards which would make the density of each site conforming to its actual development potential. In addition, the R-1-6 zoning district would allow second units on each site in accordance with the provision of the City's Second Dwelling Unit Ordinance. No existing development will be rendered non-conforming by this redesignation and rezoning proposal.

Findings: In order to approve a redesignation to a lower residential density designation for the area, Government Code Section 65863 (b) requires that:

"No city, county, or city and county shall, by administrative, quasi-judicial, or legislative action, reduce, require, or permit the reduction of the residential density for any parcel to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, Article 10.6 (commencing with Section 65580) of Chapter 3, unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:"

(1) The reduction is consistent with the adopted general plan, including the housing element.

The proposed redesignation and rezoning of the eight parcels to a lower density would be consistent with the Housing Element Implementation Program 10 which encourages adoption of corresponding Land Use Element and zone changes for low density lands necessary to allow residential development at all levels of the density range. Conversely, Implementation Program 11 establishes that the midpoint of the permitted density range as the minimum density. The existing lots could not be developed to accommodate the midpoint density and meet current R-G-29 District standards and right-of-way dedication and street improvements that would be required to facilitate the intensified use. Thus, the existing General Plan Designation and zoning of the parcels renders the sites inconsistent with their current land use designations. Redesignating the lots to Low Density Residential (5-7 dwelling per acre) and rezoning them to R-1-6 (Single Family Residential) zoning district would make them consistent with current Housing Element implementation programs. Further, the development opportunities on each site would actually increase because each site could potentially accommodate a secondary unit.

(2) The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584:

The City of Fremont is in the process of completing the rezoning and redesignation of lands throughout the City as part of the Housing Element Implementation Program. To date, the City has complete the redesignation and rezoning of over 81% (over 231 acres) of acreage required to meet its regional housing needs identified in the 2001-2006 Housing Element. This process has resulted in a surplus of lands in the Medium Residential Density (15-18 dwellings per acre) category. The redesignation of the 8 parcels would result in a net loss of 10 units over 1.55 acres. This can be compensated for by the current inventory of lands that are designated for Medium Residential (15-18 dwellings per acre).

ENVIRONMENTAL ANALYSIS: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061 (b) (3) because there is no possibility of an impact on the environment in that the project would reduce the development potential for the parcels in question.

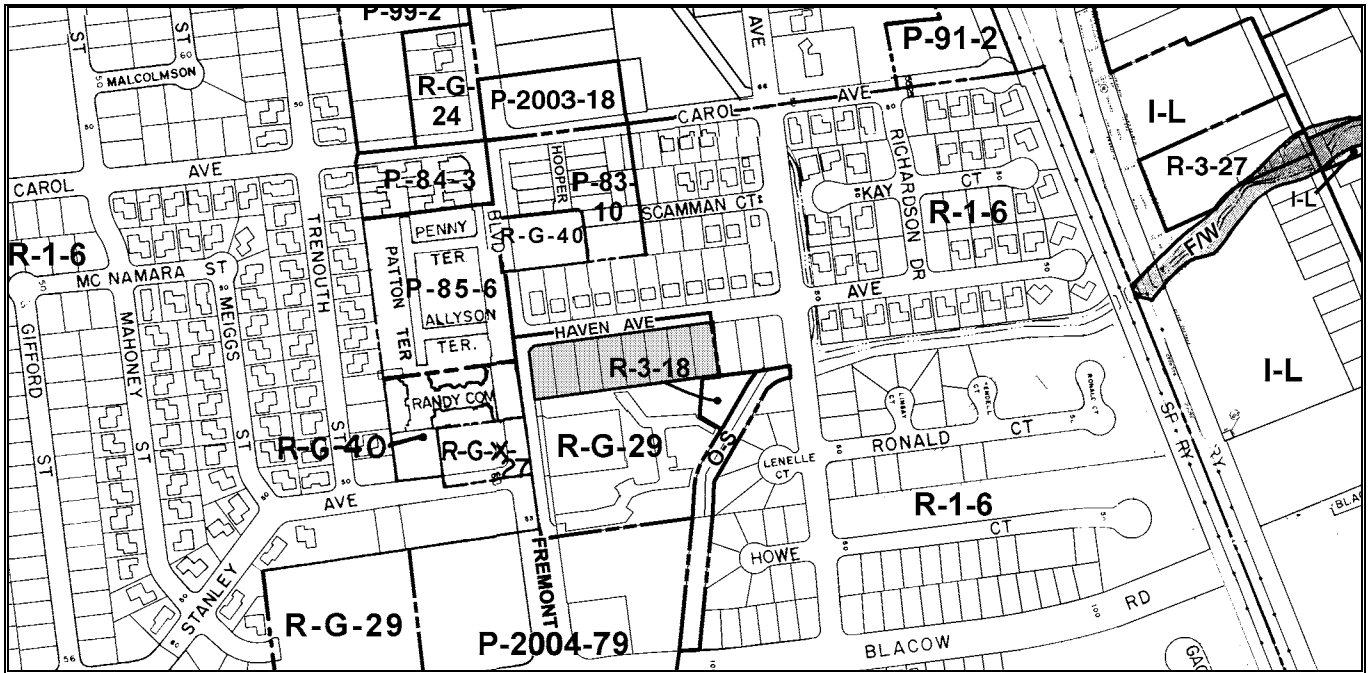
EXHIBITS:	Exhibit "A"	General Plan Exhibit
	Exhibit "B"	Rezoning Exhibit
	Exhibit "C"	Findings

Recommended Actions:

1. Hold Public Hearing.
2. Find the proposed project exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061 (b) (3) because there is no possibility of an impact on the environment in that the project would reduce the development potential for the parcels in question.
3. Find that General Plan Amendment to Low Density Residential (5-7 dwellings per acre) and Rezoning to R-1-6 District are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.

4. Recommend to Council approval of PLN2005-00291 to amend the General Plan land use designation for the project in conformance with Exhibit "A" (General Plan Amendment Exhibit) and rezone the site as per Exhibit "B" (Rezoning Exhibit) based upon the findings set forth in Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

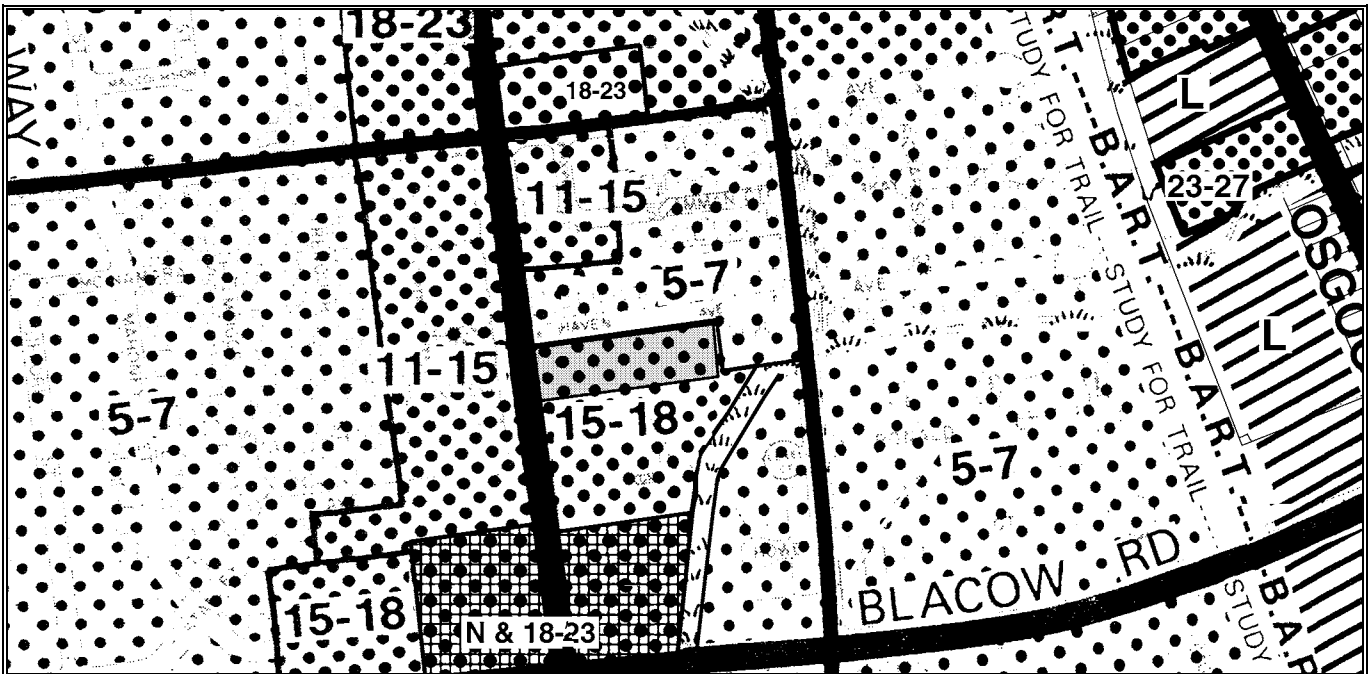


EXHIBIT "A"

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE IRVINGTON PLANNING AREA



From: Residential, Med 15-18 du/ac

To: Residential, Low 5-7 du/ac

[pc on 05-26-2005] 72-376, 78-376

Project Name: Haven Avenue

Project Number: PLN2005-00291 (gpa)

[Signature]

EXHIBIT "B"

Attached to and made a part of

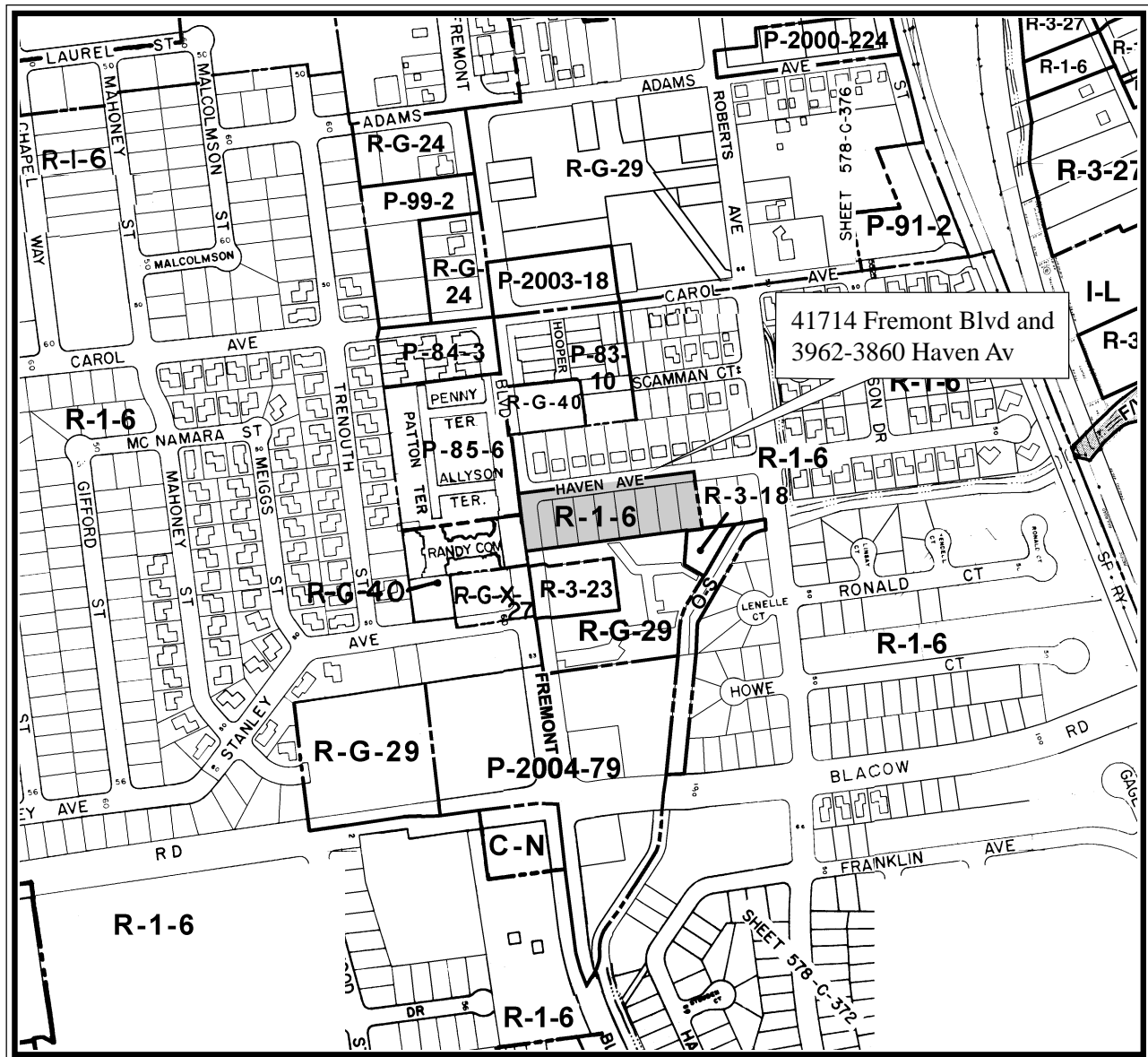
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, 20____.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



From: R-G-29

To: R-1-6

Project Name: Haven Avenue

Project Number: PLN2005-00291 (rez)

DWRC

EXHIBIT "C"
FINDINGS (PLN2005-00291)

To support the redesignation of 8 parcels on Haven Avenue (totaling 1.55 acres) from Medium Density Residential (15-18 dwellings per acre) to Low Density Residential (5-7 dwellings per acre) and a Rezoning from R-G-29 to R-1-6 (Single Family Residential), the City makes the following findings specified in Government Code Section 65863 (b):

1. *The reduction is consistent with the adopted general plan, including the housing element.*

The proposed redesignation and rezoning of the eight parcels to a lower density would be consistent with the Housing Element Implementation Program 10 which encourages adoption of corresponding Land Use Element and zone changes for low density lands necessary to allow residential development at all levels of the density range. The parcels in question are each small, generally 8,400 s.f., and have already been developed with single-family homes and have created an established neighborhood. Conversely, Implementation Program 11 establishes that the midpoint of the permitted density range as the minimum density. These existing small lots could not be developed to accommodate the midpoint density of 16.5 units per acre and meet current R-G-29 District standards and right-of-way dedication and street improvements that would be required to facilitate the intensified use. Thus, the existing General Plan Designation and zoning of the parcels renders the sites inconsistent with their current land use designations. Redesignating the lots to Low Density residential (5-7) and rezoning them to R-1-6 District would make them consistent with current Housing Element Implementation Programs. Further, the development opportunities on each site would actually increase because each site could potentially accommodate a secondary unit.

2. *The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584:*

The City of Fremont is in the process of completing the rezoning and redesignation of lands throughout the City as part of the Housing Element Implementation Program. To date, the City has completed the redesignation and rezoning of over 81% (over 231 acres) of acreage required to meet its regional housing needs identified in the 2001 - 2006 Housing Element. This process has resulted in a surplus of lands in the Medium Residential Density (15 – 18 dwellings per acre) category. The redesignation of the 8 parcels would result in a net loss of 10 units over 1.55 acres. This can be compensated for by the current inventory of lands that are designated for Medium Residential (15 – 18 dwellings per acre).